

Remarks/Argument

Claims 1, 7, 8, 10, 12, 17, 19, 20, and 21 have been amended to correct grammatical issue. The Examiner's helpful comments in this regard are appreciated.

Claims 1, 12, and 18 have also been amended to recite that the ports of the device are arranged so that fluid flowing through the chamber is gravity-assisted throughout. Support for these amendments is found at paragraphs 0013 and 0033 of the published application.

Rejections based on 35 USC § 112.

Claims 1, 7, 8, 9, 12, 17, 20, and 21 were objected to and/or rejected based on grammatical errors and lacking antecedent basis for certain claim elements. The amendments to the claims overcome these objections and rejections.

Rejections based on 35 USC § 102.

Claims 1-9 and 11 were rejected as anticipated by Weber ('445) and claims 1-21 were rejected as anticipated by Lee ('140). These rejections are respectfully traversed for the following reasons.

The Weber reference is directed entirely to a device useful in the irradiation of alcoholic beverages to accelerate aging. Two important aspects of that device are that it permits the proper time of exposure to actinic light and that air is expelled from the chamber during irradiation. Col. 1, line 47. Achieving this objective requires that the device be positioned at an angle that enables this to occur and structural elements are provided to ensure this is the case. Col. 3, line 22. The angle is necessarily positive from a line drawn from the inlet to the horizontal. In other words, the alcoholic beverage must travel uphill. It cannot be positioned so that the fluid flows with the assistance of gravity.

Claims 1-9 as amended recite a device such that the ports are positioned so that gravity assists the flow of fluid through the device when in use. *See, e.g.*, Fig. 2 as described in [0033]. This is not found in the Weber device and thus cannot be anticipated by it.

The Lee reference also does not describe an arrangement that can allow for gravity assistance throughout the course of the flow of fluids. Indeed, Figures 2, 4, and 5 all show that the inlets and outlets are arranged such that gravity cannot assist fluid flow throughout. At a minimum, fluid flow must be assisted by some other means during its ascent through the chamber. Col. 6, lines 22-27.

Lee also does not describe an arrangement in which the partitions are formed by raised portions on both adjoining surfaces as in the case of the instantly claimed invention. Rather, Lee describes the use of male and female plate sections. Col. 10, lines 44-46.

Given the differences in the manner in which the inlets and outlets of the Lee reference are described relative to applicant's invention, it cannot be anticipatory either. Neither the Lee nor the Weber reference teaches, suggests, or would motivate one to alter their devices to an arrangement as claimed in this application. Further, the references are from very different art fields (alcoholic beverage aging v/s extracorporeal photopheresis) and should not be combined as they address very different issues in very different ways. Thus, the claimed invention is not obvious over either separately or by one in view of the other.

Rejection based on 35 USC § 103.

Claim 10 has been rejected as obvious over the Weber reference. This rejection is respectfully traversed for the following reasons.

As noted above, the claimed invention as amended is directed to an irradiation chamber in which gravity assists fluid flow throughout its course. Claim 10 ultimately depends upon claim 1 and thus includes this limitation. There is nothing in the Weber reference to

suggest modifying it so that it is arranged in a manner such that gravity can assist fluid flow throughout its course irrespective of the material it is made from. That being the case, the invention of claim 10 is not obvious over the Weber reference.

Having overcome all objections and rejections, applicant believes this application is now in condition for allowance and respectfully solicits a response to that effect.

Respectfully submitted,

/Todd Volyn/

Todd F. Volyn
Reg. No. 37,463

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Telephone: (732) 524-6202
Dated: September 14, 2006